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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/770,878	02/02/2004	Douglas Rowitch	030186U2	1054
23696 7590 01/02/2008 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER BALAOING, ARIEL A	
			ART UNIT 2617	PAPER NUMBER
			NOTIFICATION DATE 01/02/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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nanm@qualcomm.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/770,878	<b>Applicant(s)</b> ROWITCH ET AL.	
	<b>Examiner</b> Ariel Balaoing	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 13-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 13-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-7, 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over ANCTIL et al (US 2002/0094822) in view of BLOEBAUM (US 6,535,815) and KIM (US 2003/0139175).

Regarding claim 1, ANCTIL discloses a method for authenticating an application run on a mobile station (abstract, paragraph 10), including: attempting to run Location Based Service (LBS) application (paragraph 5, 36); requesting authentication of the LBS application (paragraph 5, 39, 410-Figure 4); communicating directly with a mobile positioning center (MPC) in order to have the MPC fulfill the request for authentication of the LBS application (248-Figure 2; paragraph 38; Authentication Data is used to identify a location services client and authenticate proper rights for running a location based service); if the application is authenticated, then receiving within the mobile

station information required to continue running the LBS application in response to the application being authenticated (paragraph 5, 38; **485, 490**-Figure 4). However, ANCTIL does not expressly disclose running a Location Based Service application on the mobile station, and identifying a position location engine within the mobile station. In the same field of the endeavor, BLOEBAUM discloses running a Location Based Service application on a mobile station (col. 5, line 53-56); and identifying a position location engine within the mobile station (col. 6, line 6-10). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify ANCTIL to include the teachings of BLOEBAUM, since the use of positioning means local to a mobile station is well known and conventional in the art, and allows the mobile station to provide location updates independent or in supplement to a network positioning services. However, the combination of ANCTIL and BLOEBAUM does not teach receiving within the mobile station a Short Message Service (SMS) message originated at the MPC and having a teleservice identifier field within the SMS message identifying a position location engine within the mobile station as a destination of information. KIM teaches receiving within the mobile station a Short Message Service (SMS) message originated at a Message Center **103** and having a teleservice identifier field within the SMS message identifying an engine within the mobile station as a destination of information (paragraph 51-53, 58-63, 69, 86-88). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of ANCTIL and BLOEBAUM to include the use of teleservice

identifiers used to identify control functions, as taught by KIM, since such a modification allows access and control of various functions using a standardized messaging format.

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. ANCTIL further discloses further including: if the LBS application has not been authenticated, receiving a response message indicating that authentication failed (paragraph 38); and in response to receipt of the response message, halting the LBS application (paragraph 5; application can not continue without further information).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. ANCTIL further discloses wherein the LBS application requires authentication from the MPC in order to receive all information (paragraph 6). BLOEBAUM discloses wherein the LBS application is run on the mobile station.

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. ANCTIL further discloses wherein the authorization of the LBS application is independent of other authentication operations to be requested by the mobile station for the purpose of authentication telephone communication (paragraph 11). BLOEBAUM discloses wherein the LBS application is run on the mobile station.

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. ANCTIL further discloses wherein the authentication of the LBS application to be run is further independent of other

authentication operations to be requested in order to authenticate other applications (paragraph 7-9).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. ANCTIL further discloses wherein the authentication of the LBS application by the MPC allows the mobile station to communicate with other components (paragraph 3, 9).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. ANCTIL further discloses wherein the other components include a position determination entity (paragraph 3, 9).

Regarding claim 13, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of ANCTIL, BLOEBAUM, and KIM further discloses wherein receiving the SMS message comprises receiving the SMS message having the teleservice identifier field set by the MC (KIM - paragraph 51-53, 58-63, 69, 86-88; ANCTIL shows information sent by the MPC received by the mobile station).

Regarding claim 14, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of ANCTIL, BLOEBAUM, and KIM further discloses wherein receiving the SMS message comprises receiving the SMS message having the teleservice identifier field indicating the SMS message is intended for the application (KIM - paragraph 51-53, 58-63, 69, 86-88; ANCTIL BLOEBAUM discloses an LBS application resident on the mobile station).

Regarding claim 15, ANCTIL discloses a method for authenticating an application run on a mobile station (abstract; paragraph 10), including: attempting to run Location Based Service (LBS) (paragraph 5, 36); requesting authentication of the LBS application (paragraph 5, 39, **410**-Figure 4); communicating directly with a mobile positioning center (MPC) in order to have the MPC fulfill the request for authentication of the LBS application (**248**-Figure 2; paragraph 38; Authentication Data is used to identify a location services client and authenticate proper rights for running a location based service); and if the application is authenticated, then receiving within the mobile station information (paragraph 5, 38; **485, 490**-Figure 4). However, ANCTIL does not expressly disclose running a Location Based Service application on the mobile station, and identifying a position location engine within the mobile station. In the same field of the endeavor, BLOEBAUM discloses running a Location Based Service application on a mobile station (col. 5, line 53-56). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify ANCTIL to include the teachings of BLOEBAUM, since the use of positioning means local to a mobile station is well known and conventional in the art, and allows the mobile station to provide location updates independent or in supplement to a network positioning services. However, the combination of ANCTIL and BLOEBAUM does not teach receiving within the mobile station a Short Message Service (SMS) message having a teleservice identifier field within the SMS message set to a predetermined value. KIM teaches receiving within the mobile station a Short Message Service (SMS) message having a teleservice identifier field within the SMS message set to a predetermined

value (paragraph 51-53, 58-63, 69, 86-88). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of ANCTIL and BLOEBAUM to include the use of teleservice identifiers used to identify control functions, as taught by KIM, since such a modification allows access and control of various functions using a standardized messaging format.

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of ANCTIL, BLOEBAUM, and KIM further disclose wherein receiving the SMS message comprises receiving the SMS message having the teleservice identifier field set by the MPC (ANCTIL - paragraph 51-53, 58-63, 69, 86-88; ANCTIL shows information received by the mobile terminal after authentication set by the MPC).

Regarding claim 17, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of ANCTIL, BLOEBAUM, and KIM further disclose wherein receiving the SMS message comprises receiving the SMS message having the teleservice identifier field indicating the SMS message is intended for an application (ANCTIL - paragraph 51-53, 58-63, 69, 86-88; BLOEBAUM discloses information intended for an LBS application on the mobile terminal).

Regarding claim 18, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of ANCTIL, BLOEBAUM, and KIM further disclose wherein receiving the SMS message comprises receiving the SMS message having the teleservice identifier field indicating the SMS message is intended



for an engine within the mobile station (ANCTIL - paragraph 51-53, 58-63, 69, 86-88; BLOEBAUM discloses a position location engine located within a mobile station).

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AB



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